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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,297	12/12/2003	Kenneth A. Alley	ALLE-P10-US	9958

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LAW OFFICES OF MARK A. GARZIA, P.C.
2058 CHICHESTER AVE
BOOTHWYN, PA 19061

EXAMINER	
LEE, PING	

ART UNIT	PAPER NUMBER
2615	

MAIL DATE	DELIVERY MODE
10/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,297

Applicant(s)

ALLEY, KENNETH A.

Examiner

Ping Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abita et al (hereafter Abita) (US005933082A) in view of Blunt (US 5,651,070).

Regarding claims 1 and 7, Abita discloses a portable safety apparatus for use by a disabled person, the safety apparatus comprising:

an audio-control circuit connected to a detector circuit and cooperative with an audio device (although not shown, an amplifier is inherently provided) for controlling the output circuit and in turn to control the audio volume of the means for outputting audio (speaker).

Abita fails to show the safety apparatus is programmable and a detector circuit for detecting the presence of, and analyzing the type of, a plurality of pre-determined sounds. Blunt a detector, that is programmable (it could store different sound samples in the memory), to detect and analyze a plurality of predetermined sounds. Blunt suggests having a portable device able to detect a variety of sounds, such as from telephone rings, alarms and smoke alarms. Thus, it would have been obvious to one of ordinary skill in the art to modify Abita in view of Blunt by incorporating the detector in order to warn the user not only about the platform, but also other appropriate warning signals for blind or visually impaired travelers.

Regarding claim 2, Abita fails to show a headphone. Examiner takes Official Notice that this feature is notoriously well known in the art. One skilled in the art would have expected that a headphone would provide user some privacy. Thus, it would have been obvious to one of ordinary skill in the art to modify Abita and Blunt by using a headphone to generate the warning signal in order to allow the user some privacy and not disturb the people surrounding the user.

Regarding claim 3, although not shown, a speaker is inherently provided to generate the audio signal.

Regarding claims 5 and 14, Blunt fails to specifically show emergency siren. However, in view of Blunt as a whole, it would have been obvious to one of ordinary skill in the art to modify Abita and Blunt by storing sound samples of emergency siren in order to alert the user during the emergency.

Regarding claim 8, Abita fails to show different outputs depending on the type of pre-determined sound detected. Blunt suggests different outputs being generated (by 16 as shown in Fig. 1) depending on the nature of the detected sound. Based on the specific LED being turn on, the user would be informed by the identity of the warning. Thus, it would have been obvious to one of ordinary skill in the art to modify Abita in view of Blunt by generating different output depending on the nature of the event in order to allow the user to distinguish the warning and respond accordingly.

Regarding claim 9, Abita fails to show customization of the notice circuit. Abita teaches the customization of the notice circuit (the relationship of the LED and the memory), so the user would be alert of the particular warning depending on which LED

is on. Thus, it would have been obvious to one of ordinary skill in the art to modify Abita and Blunt by customizing the notice circuit in order to allow the use to distinguish the nature of the warning.

Regarding claims 10 and 11, Abita fails to show the device is wearable by the disable person. However, one skilled in the art would have expected that the device could be designed and carried by the person in numerous ways as long as the disable person would be able to sense and hear the notification. Examiner takes Official Notice that this feature is notoriously well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to modify Abita in view of Blunt by mounting the portable device to the neck in order to free the hands of the disabled person to carry other necessities.

Regarding claim 13, both Abita and Blunt teach tactile warning.

Regarding claim 15, Blunt teaches the visual warning.

Regarding claim 16-18, Blunt teaches that the detector detects the frequency and the loudness.

3. Claims 1, 3-5, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chutuk (US005251253A) in view of Blunt.

Regarding claims 1, 3 and 8, Chutuk discloses a safety apparatus for use with an audio device (TV), the audio device having an output circuit connected to a means for outputting audio wherein the output circuit controls the audio volume, the safety apparatus comprising: a detector for detecting the presence of, and analyzing the type of, a plurality of signals; and a audio control circuit connected to the detector circuit and

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cooperative with the audio device for controlling the output circuit and in turn to control said audio volume of the means for outputting audio.

Chutuk fails to show the plurality of the pre-determined signals as sounds. Chutuk's device is not portable because it connects to different signal wires. Blunt teaches a portable device with a microphone for receiving ambient sound and a detector for detecting and analyzing a type of predetermined sounds. Blunt teaches that the detector is programmable with a memory that could be programmed to store different sound samples. Thus, it would have been obvious to one of ordinary skill in the art to modify Chutuk in view of Blunt by using a portable detector to detect one of plurality of pre-determined sounds in order to allow the hearing impaired user to use the portable device at different environments and providing greater function and mobility.

Regarding claims 4 and 5, Chutuk teaches the muting and reducing the volume.

Regarding claim 15, Blunt teaches the visual warning on the portable device.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

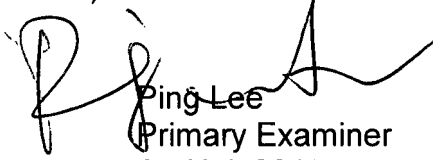
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ping Lee
Primary Examiner
Art Unit 2615

pwl